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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,299	03/12/2004	Jeffrey Collins	T00486-0010-US2 (190244-3)	5778
27871	7590	12/13/2005	EXAMINER	
BLAKE, CASSELS & GRAYDON LLP BOX 25, COMMERCE COURT WEST 199 BAY STREET, SUITE 2800 TORONTO, ON M5L 1A9 CANADA			ROY, BAISAKHI	
			ART UNIT	PAPER NUMBER
			3737	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/798,299	COLLINS ET AL.	
	Examiner	Art Unit	
	Baisakhi Roy	3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, with respect to rejection of claims 1-7 and 10-20 under Haddad and rejection of claims 1-4 under Wake have been fully considered and are persuasive.
2. Applicant's arguments with respect to rejection of claims under Johnson have been fully considered but they are not persuasive. With respect to Johnson, applicant's attention is directed to (col. 4 lines 37-42), which clearly teaches a movable carriage base adjusted to ensure that object is imaged from all possible angles (col. 4 lines 55-61). With respect to claim 5, Johnson teaches a base 32, with a drum or cylindrical pedestal 36 supported by the base, where the cylindrical pedestal has a circular ring of transducer arrays 70, where the ring of arrays are adjusted and therefore rotation of the carriage permits the transducer arrays to scan the object from various positions (col. 5 lines 50-52). Therefore the cylindrical chamber of the movable carriage base moves with the transducer arrays (col. 5 lines 7-14). With respect to determining changes in medical condition with respect to time, Johnson teaches obtaining about 15 or more scans per second on the object of interest to determine changes in medical condition by developing real time images of the object (col. 13 lines 47-51).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (4222274). Johnson discloses an ultrasound based medical imaging system comprising a patient support surface, an imaging apparatus with a support table, a chamber to receive a portion of the patient, and sensors (figs. 1-4) for monitoring a medical condition with said system (abstract) comprising a base, a drum or chamber, a transducer head rotating with said drum and displaced relative to said drum along an axis parallel to the axis of rotation, said head including a plurality of transducers each operable to propagate a wave along an axis of propagation and receive signals from respective focal zones spaced relative to one another along said axis of propagation and ensure object is scanned from every possible angle (abstract, col. 4 lines 37-68, col. 5 lines 1-15, col. 13 lines 14-40). Johnson further teaches said axis of propagation to be inclined at an angle to the axis of rotation with the axis of propagation inclined at an angle orthogonal to the target surface of the patient, controlling said transducers by an electronic circuit which includes an amplifier to adjust the gain of signals with said transducers located in a channel in fluid communication with said drum and an encoder to indicate position of the drum about the axis and control operations at predetermined intervals with movement of the transducer head relative to the drum initiated upon attaining the registration position, and transferring of the data over a network (col. 6 lines 29-68, col. 7 lines 1-35). Johnson also teaches adjusting each of the signals for attenuation and an attenuation profile is obtained from an evaluation of data collected during a scan (abstract, col. 11 lines 5-20).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baisakhi Roy whose telephone number is 571-272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. R.

BR


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